

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1609 of 2006

VINOD KUMAR BISHNOI & ORS.
V/S
STATE & ORS.

Mr. BIPIN for Mr. SANJAY MATHUR, for the appellant /
petitioner

Date of Order : 15.4.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Learned counsel has submitted that the schedule was required to be filed as per the pleadings contained in para-5 of the writ petition which could not be filed, therefore, he prays for time to file the schedule.

I find the schedule to be available on record at page-9 of the record immediately after the writ petition. In that view of the matter, learned counsel was asked to argue the matter. Thereupon the submission made was, that the writ petition has been filed with a prayer to grant the pay scale of CRC Facilitator, on which post the petitioners have been appointed on deputation, consequent upon selection made in pursuance of Advertisement 1. The deputation orders are said to be Annexure-2.

A perusal of Annexure-1 shows, that thereby "Walk in Interview" was arranged on 13.10.2000, and intending incumbent working on the post of Teacher Gr.II and Gr.III, having five years' experience were permitted to appear, along with testimonials. It was also stipulated that such candidates who have given interview on 10th & 11th October, 2000 need not appear again. Then, a look at Annexure-2, (purportedly so many orders starting from page-21 of the paper book up to page 56) shows, that they are not only deputation orders, but are different orders. Some documents like that at page-21 stipulates, that the deputation was for a period of four years, and the terms and conditions of deputation would be determined later. This is dated 24.6.2000, practically all such orders are passed in June, 2000. Then, I find a document at page-44 , forming part of Annexure-2, which purports to be the order contemplating the deputation will be available to certain categories of teachers only. Then, I also find an order forming part of Annexure-2 itself, at page-56, being dated 11.10.2001, which clarifies the stipulation, as to what should be the pay scale payable to such deputationist, and specifically stipulates, that this will be payable for a period of four years in deputation.

It is not clarified by the petitioner in the writas to what is the pay scale of the CRC Facilitators, and under what rules, while in prayer clause, scale has

been claimed as 5500-9000, which is not supportable by the said order dt. 11.10.2001.

It is a different story, that the deputation was specifically for a period of four years, which has already expired long back. The writ petition itself was filed in July, 2004 i.e. after expiry of the deputation period. When this aspect was put to learned counsel, it was given out that the deputation had been extended from time to time, but then nothing, in that regard, is there on record.

In my view, in view of the fact, that deputation period has already expired, and there is nothing to show that it had been extended, and on the face of the order dt. 11.10.2001, available at page-56 of the paper book, the relief prayed by the petitioners cannot be granted.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA), J.

/Sushil/